

EXHIBIT D

Confidential - Per 2004 MDL 1358 Order

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW JERSEY

- - -

IN RE:

Methyl Tertiary Butyl : MDL NO. 1358 (SAS)
Ether ("MTBE") :
Products Liability :
Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

April 23, 2009

Videotaped Transcript of the
deposition of STEVEN SCHINDLER, called for
Oral Examination in the above-captioned
matter, said deposition taken pursuant to
Federal Court Rules, by and before DANA N.
SREBRENICK, a Federally-Approved Certified
Realtime and Certified Livenote Reporter, and
Notary Public for the State of New York, at
the offices of McDermott, Will & Emery, LLP,
340 Madison Avenue, New York, New York,
commencing at 10:00 a.m.

- - -

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JOB NO. 14751

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1 subject did you cover -- is it Ms. Lieu or
2 Mr.?

3 A. It's Mr. Lin Lu.

4 Q. And what topic did you cover
5 with him?

6 A. I had a quick question for him.
7 I'm trying to recall what it was, so bear
8 with me.

9 Q. Was he in the laboratory?

10 A. He actually works for Salome.

11 Q. Okay. If it comes back to you,
12 you can let us know. The videographer has
13 actually indicated that we have probably a
14 minute left on the tape, so we have to take a
15 break.

16 A. Okay.

17 MS. KALNINS-TEMPLE: So why
18 don't we do that.

19 THE VIDEOGRAPHER: Going off
20 record, 11:13 a.m. End of Tape 1.
21 (Whereupon, a brief recess is
22 taken.)

23 THE VIDEOGRAPHER: Back on the
24 record at 11:28 a.m.

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1 Q. Mr. Schindler, prior to the
2 break, we were talking about what you had
3 done to prepare for this deposition, and we
4 were discussing the folks that you had talked
5 to at DEP, including Salome Freud and Lin Lu,
6 and your counsel indicated on the break that
7 you also wanted to correct the record with
8 regard to the documents you reviewed.

9 Was there something that you
10 wanted to indicate that you had reviewed in
11 addition to the documents listed on Exhibit
12 2?

13 A. Yes. I forgot to mention that
14 I did review the transcripts of James
15 Robert's deposition.

16 Q. And what -- did anything strike
17 you about his testimony that was helpful to
18 you in preparing for your deposition today?

19 MR. PLACHE: Objection.
20 You can answer that.

21 A. What do you mean by strike me?

22 Q. When you read it, was there
23 anything about it that you found helpful to
24 prepare today?

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1 MR. PLACHE: Objection.
2 You can answer.

3 A. I was interested in -- in where
4 he referenced GWQC, which is my group, and
5 just looking at that to see what I might be
6 asked today.

7 Q. Do you recall what you inquired
8 of with respect to your conversations with
9 Lynn Lieu in preparation for your deposition?

10 A. Yes. I asked him whether he
11 recalls in the past whether there was ever a
12 link on a taste and odor complaint directly
13 to MTBE.

14 Q. And what did he tell you?

15 A. He said no.

16 Q. And in connection with your
17 preparation to potentially give testimony at
18 trial, did you have any separate discussions
19 with anyone else on -- on relative to that
20 preparation?

21 A. I'm confused over the --

22 MR. PLACHE: Objection.

23 A. Over the --

24 MR. PLACHE: You can answer.

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1 A. -- over the distinction between
2 preparation for trial and preparation for the
3 deposition.

4 Q. Okay. I'll mark an exhibit
5 that might help.

6 (Exhibit Schindler 3, Letter
7 dated February 6, 2009, marked for
8 identification.)

9 MS. KALNINS-TEMPLE: Marked as
10 Exhibit 3 is a letter dated February
11 6, 2009 from Susan Amron to James
12 Pardo.

13 Q. Would you take a look at that
14 for a moment and let me know when you're
15 ready?

16 A. Okay, I've read the document.

17 Q. Prior to the deposition, have
18 you seen this letter before?

19 A. No.

20 Q. And your name is identified on
21 the front, correct? "Steven Schindler has
22 been identified as someone who may give
23 testimony at trial on the quality of water
24 supplied to City consumers."